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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 WINDY COSPER,

7 Plaintiff,

8 v.

9 CAROLYN W. COLVIN, Acting
10 Commissioner of Social Security,

11 Defendant.

Case No. C13-5047 RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION AFFIRMING
DEFENDANT’S DECISION TO DENY
BENEFITS

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13 This matter comes before the Court on the Report and Recommendation of United States
14 Magistrate Judge Karen L. Strombom. Dkt. 16. The Court has considered the Report and
15 Recommendation, Objections to the Report and Recommendation, and the remaining record.

16 The Report and Recommendation recommends affirming the commissioner’s decision to
17 deny Plaintiff’s claim for disability benefits under the Social Security Act. Dkt. 16. After
18 review of the Report and Recommendation, and Plaintiff’s Objections (Dkt. 17), this Court
19 concludes that the Commissioner’s decision should be upheld, the Report and Recommendation
20 adopted, and this case closed.

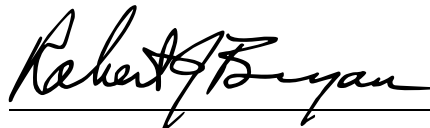
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22 Plaintiff’s Objections to the Report and Recommendation are a reiteration of his prior
23 pleadings and are addressed in the Report and Recommendation. First, Plaintiff asserts that the
24 Magistrate Judge “overlooks the relevance of the *Strauss* [v. *Commissioner of the Social Security*
25 *Administration*, 635 F.3d 1135 (9th Cir. 2011)] decision in this case.” Dkt. 17 p. 3. The Court
26 disagrees. The Magistrate Judge took *Strauss* into consideration and found it did not support

1 Plaintiff's assertions and also that it was clearly distinguishable from the present case. Dkt. 16 p.
2 7. Second, the Magistrate Judge properly found the ALJ's credibility determination supported
3 by substantial evidence. The law of the case doctrine does not preclude the ALJ from re-
4 evaluating Plaintiff's testimony and credibility on remand where this Court specifically directed
5 the ALJ to re-evaluate plaintiff's testimony and credibility on remand – without any express or
6 implied limitation on the reasons for discounting her credibility that again could be considered.
7 Dkt. 16 pp. 7-13.
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9 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of
10 Judge Karen L. Strombom, United States Magistrate Judge, and Objections to the Report and
11 Recommendation, and the remaining record, does hereby find and **ORDER**:

- 12 (1) The Court adopts the Report and Recommendation (Dkt. 16);
13 (2) The administrative decision is **AFFIRMED**;
14 (3) The Clerk is directed to send copies of this Order to Plaintiff's counsel, Defendant's
15 counsel and Magistrate Judge Karen L. Strombom.
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17 DATED this 27th day of December, 2013.

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20 ROBERT J. BRYAN
21 United States District Judge
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